

MARIN COUNTY EMPLOYEES' RETIREMENT ASSOCIATION (MCERA)  
**WHISTLEBLOWER POLICY**

**Adopted: September 8, 2010**

**I. PURPOSE**

It is the public policy of the State of California and of the Board of Retirement of MCERA to encourage employees to notify an appropriate government or law enforcement agency when they have reason to believe their employer is violating a state or federal statute or not complying with a state or federal rule or regulation.

Whistleblowers are provided with protection against retaliation for engaging in valid whistle-blowing activities as defined above under the provisions of California Labor Code §1102.5, California Government Code §§53296-53298.5, and County of Marin ("County") Personnel Management Regulation ("PMR") No. 25. The purpose of this policy is to assure MCERA's employees that they are provided with such protections in compliance with the law.

**II. SCOPE OF POLICY**

For purposes of this Policy, MCERA's employees include those persons who are employees of the County of Marin assigned to work at MCERA. This policy is separate from and does not replace existing grievance or complaint resolution procedures provided in an applicable Memoranda of Understanding or the County's PMRs, including without limitation County PMR No. 25.

**III. PROTECTED PERSONS**

Under the Labor Code, a "whistleblower" is an employee who discloses information to a government or law enforcement agency where the employee has reasonable cause to believe that the information discloses:

1. A violation of a state or federal statute
2. A violation or noncompliance with a state or federal rule or regulation, or
3. With reference to employee safety or health, unsafe working conditions or work practices in the employee's employment or place of employment.

Under County PMR No. 25, a "whistleblower" is any County employee or applicant for County employment who discloses to the appropriate agency, office or department, information that, if true, would constitute:

1. Gross mismanagement
2. Significant waste of funds

3. Abuse of authority and/or
4. Substantial and specific danger to public health or safety.

**IV. POLICY**

It is the policy of the Board of Retirement to consider complaints that may be forwarded to MCERA or the Retirement Administrator by the County Administrator under PMR No. 25, and otherwise. Any such complaint should be reported first to the Board Chair, and if the Chair and Vice-Chair deem appropriate, then to the Board's Finance and Risk Management Committee.

It is also the policy of the Board of Retirement that no Board or Staff Member may retaliate against any MCERA Board Member, Staff Members, service providers, members, beneficiaries or any other person who complies with the whistleblower provisions of the Labor Code, Government Code, County PMR No. 25, or this Policy.

**V. POLICY REVIEW**

The Retirement Board shall review this Policy at least every three years to ensure that it remains relevant and appropriate. The Policy may be amended from time to time by majority vote of the Board.

**VI. ADOPTION HISTORY**

This Policy was adopted by the Retirement Board on September \_\_\_\_, 2010.

**VII. RETIREMENT ADMINISTRATOR'S CERTIFICATE**

I, Jeff Wickman, the duly appointed Retirement Administrator of the Marin County Employees' Retirement Association, hereby certify that this policy was adopted and made effective by the Marin County Employees' Retirement Association on this \_\_\_\_ day of September, 2010.

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Retirement Administrator

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